

REMARKS

Claims 1-8 are all the claims pending in the application. Claims 1 and 7 have been amended in the present Amendment.

Claim 1 has been amended to replace “comprising” with “comprises”.

Claim 7 has been amended to depend directly from claim 5.

Since the amendments made in the present Amendment are to amend claims 1 and 7 for formality purpose and to reduce issue for appeal, and do not raise an issue requiring new search, entry of the Amendment is respectfully requested.

I. Information Disclosure Statement

Applicants submitted a PTO/SB/08 A & B form with the Information Disclosure Statement (IDS) filed on May 11, 2009, *i.e.*, after the February 9, 2009 mail-date of the present Office Action. Thus, Applicants understand that the Examiner could not have considered the reference listed in the May 11th Information Disclosure Statement in time to attach to the present Action initialed and signed copies of the submitted forms.

Applicants kindly request the examiner to attach an initialed and signed copy of the form to the next communication to Applicants.

II. Claim Rejections under 35 U.S.C. § 103 over JP ‘570

Claims 1-3 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP ‘570 (JP 11-106570) in view of Sham et al. (US 5,256,719; “Sham”).

Claims 4-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP ‘570 (JP 11-106570, full English-language translation) in view of Sham et al. (US 5,256,719; “Sham”) and further in view of JP ‘464 (JP 11-302464).

Claim 8 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over JP '570 (JP 11-106570) in view of JP 11-302464 (JP '464).

Applicants respectfully traverse the above rejections.

As an initial matter, Applicants wish to point out for the record that the Examiner has inadvertently mis-referenced to reference JP '527 (instead of JP '570) at certain sections of the present Office Action. Clarification and correction are respectfully requested.

The Examiner asserts that JP '570 discloses the claimed invention, except for the use of magnesium hydroxide in the composition, as recited in claim 1. However, the Examiner contends that JP '570 is open to the use of other additives such as fillers.

Sham is relied upon to make up the deficiency of JP '570. The Examiner cites Sham as disclosing a flame retardant plastics composition comprising polyolefin, polyamide and magnesium hydroxide to impart flame retardance to the composition (abstract). The Examiner asserts that Sham teaches adding magnesium hydroxide to plastic because the polyamide facilitates magnesium hydroxide dispersion (col. 2, lines 26-30).

The Examiner then concludes that it would have been obvious to one of ordinary skill in the art to add magnesium hydroxide to the composition of JP '570, since JP '570 is open to the use of additives (paragraph 0025) and that Sham teaches that magnesium hydroxide is advantageously and successfully added to polyolefin/polyolefin compositions in order to impart flame retardance.

Applicants respectfully disagree. Applicants submit that there is no motivation to combine JP '570 and Sham.

JP '570 discloses at paragraph [0025] a long list of additives, such as carbon black, white carbon, activated carbon acid calcium, an ultrafine particle magnesium silicate, high styrene

resin, phenol resin, a lignin, conversion melamine resin, cumarone indene resin, etc. However, nowhere in JP '570 is disclosed or suggested the need or desire for adding magnesium hydroxide as an additive to the resin composition. Magnesium hydroxide is just one additive among various types of possible additives. The Examiner has failed to articulate any reason as to why one would select magnesium hydroxide.

Further, the Examiner contends that Sham teaches that magnesium hydroxide is advantageously and successfully added to polyolefin/polyolefin compositions in order to impart flame retardance. However, nowhere in JP '570 is concerned with a resin composition to have flame retardance (or improved flame retardance). Thus, there is no motivation to combine JP '570 and Sham in the manner suggested by the Examiner. It is only hindsight that leads to a conclusion of obviousness.

In addition, Sham employs a polyamide resin to facilitate the dispersion of magnesium hydroxide, while the present invention employs polyamide fibers to achieve increased strength. The form and purpose of the polyamide of Sham are entirely different from the polyamide of the present application.

Applicants believe, if Sham and JP '570 are combined in the manner suggested by the Examiner, it would result in the promotion of dispersion of magnesium hydroxide by the polyamide, so that JP '570 would have its fiber form destroyed. Thus, the ordinary skilled in the art would not be motivated to combine JP '570 and Sham.

On the other hand, the present invention makes it possible to disperse magnesium hydroxide satisfactorily, while maintaining a good form of polyamide fibers.

In view of the above, it is respectfully submitted that JP '570 in view of Sham does not render obvious the claimed subject matter. Applicants respectfully request reconsideration and withdrawal of the present §103 rejections of claims 1-8.

III. Provisional Double Patenting Rejections

Claims 1-4 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4 and 5 of co-pending Application No. 10/533,159 (published as US 2006/0241221).

A patent has not yet issued from the '159 Application. Accordingly, the present double patenting rejection with regard to the '159 Application is a provisional double patenting rejection. Applicants respectfully request that the present provisional double patenting rejection with regard to '159 Application be held in abeyance at this time.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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Date: June 5, 2009